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Medical Advocates for Healthy Air, Sierra Club,
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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

MEDICAL ADVOCATES FOR HEALTHY AIR, SIERRA CLUB, and LATINO ISSUES FORUM.) Case No. C-06-00093 SBA

Plaintiffs,

**STIPULATION TO EXTEND TIME
FOR PLAINTIFFS TO FILE MOTION
SEEKING ATTORNEYS' FEES AND
BILL OF COSTS**

STEPHEN L. JOHNSON, in his official capacity as Administrator of the United States Environmental Protection Agency, and WAYNE NASTRI, in his official capacity as Regional Administrator for Region IX of the United States Environmental Protection Agency,

Defendants.

and

SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT.

Defendant-Intervenor.

Pursuant to Civil Local Rules 6-2 and 54, Plaintiffs Medical Advocates for Healthy Air, *et al.*, and Defendants Stephen L. Johnson, *et al.* (collectively, the “Parties”) hereby stipulate as follows:

1 1. On January 9, 2006, Plaintiffs filed this lawsuit under the citizen suit provision of the
2 Clean Air Act, 42 U.S.C. § 7604, alleging that Defendants failed to take final action concerning the
3 enforcement of air quality standards in California's San Joaquin Valley.

4 2. On July 5, 2006, the Court issued an Order Granting Plaintiffs' Motion for Summary
5 Judgment. The Order resolved the one remaining claim alleged in Plaintiffs' Complaint, except for
6 Plaintiffs' claim for attorneys' fees and costs pursuant to Section 304(d) of the Clean Air Act, 42
7 U.S.C. § 7604(d). The Order provided that the Court would retain jurisdiction to consider any
8 timely request for such fees and costs from Plaintiffs.

9 3. Pursuant to Civil Local Rule 54, a motion for an award of attorneys' fees and bill of
10 costs shall be served and filed within 14 days of entry of judgment by the Court.

11 4. No judgment has been entered by the Court to date.

12 5. The Parties have determined that the time provided for moving for attorneys' fees and
13 costs will be insufficient to allow Parties to fully explore and negotiate a possible settlement of
14 Plaintiffs' claim for attorneys' fees and costs. For that reason, the Parties stipulate to and request
15 that the Court extend the deadline for Plaintiffs to serve and file a motion for an award of attorneys'
16 fees and bill of costs to 60 days from the entry of judgment by the Court. Approval of this extension
17 is also requested to conserve the resources of the Parties and the Court.

18 6. There has been one prior time modification in this case after the Parties stipulated to
19 change the hearing date and establish a briefing schedule on Plaintiffs' Motion for Summary
20 Judgment. Docket No. 45. The Court issued an Order regarding these changes on April 19, 2006.
21 Docket No. 46.

22 7. The requested time modification regarding Plaintiffs' claim for attorneys' fees and
23 costs would have no effect on the schedule for this case other than delaying potential litigation over
24 an award of attorneys' fees and costs.

25 8. For the foregoing reasons, the Parties request that the Court enter the attached Order.

DECLARATIONS

Undersigned counsel hereby declare that the above statements are true and correct to the best of their knowledge.

DATED: July 19, 2006

Respectfully submitted,

/s/ Paul Cort
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ORDER

Pursuant to stipulation, Plaintiffs must file any motion for an award of attorneys' fees and bill of costs within 60 days from the entry of judgment by the Court. **IT IS SO ORDERED.**

DATED:7/24/06

SAUNDRA BROWN ARMSTRONG
United States District Judge